

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

At the outset, Applicant notes with appreciation the courtesy of a personal interview extended by Examiner James McClellan to Applicants' representative, Chien Yuan. The personal interview was conducted on November 17, 2004.

Claims 1-21 are currently pending. The present amendment amends claims 1, 6, 11, 15, 19, and 21, and adds new claims 22-25. Applicants respectfully submit that support for these amendments is self-evident from Applicants' originally-filed disclosure, including the claims and drawings. For example, support for the subject matter of new claims 22-25 is found in the specification at least at page 10, lines 22-29. Thus, no new subject matter is introduced to the claims by the foregoing amendment.

The Office Action rejected claims 1, 2, 4, 6, 7, 9, 11, 12, 15, 16, and 18-21 under 35 U.S.C. § 102(e) as anticipated by Griffith (U.S. Patent No. 6,356,752). Also, claims 3, 8, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Griffith in view of Endo (U.S. Patent No. 5,943,610). Further, claims 5, 10, 14, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Griffith in view of Maes et al. (U.S. Patent No. 6,016,476).

Applicants respectfully traverse the prior art rejections. For example, amended claim 1 is drawn to a payment transaction method that includes, among other features:

(1) "transmitting by the mobile device, via a first contactless device interface, the transaction identification directly to the payment terminal based on the payment terminal identification;"

(2) "transmitting by the payment terminal, after receipt of the transaction identification, a payment request including...the payment terminal identification, and the

total transaction amount, via a second contactless device interface directly to the mobile device;" and

(3) "accepting the payment transaction based on the payment request by, preparing a payment record in the mobile device, the payment record including a linking of the payment request to a customer identification of the customer, and transmitting the payment record from the mobile device via the first contactless device interface directly to the payment terminal."

Griffith does not teach all of the features of amended claim 1. Griffith depicts a system including a wireless telephone 103, a site computer 104, and multiple transaction units 106-109 coupled to the site computer 104.¹

Regarding item 1 above, Griffith does not teach transmitting by a mobile device transaction identification directly to a payment terminal based on a payment terminal identification via a first contactless device interface, as recited in amended claim 1. For example, in Griffith, while the wireless telephone 103 is able to receive a transaction number from the site computer 104,² the wireless telephone 103 does not transmit the transaction number directly to one of the transaction units 106-109. Instead, the associated transaction unit receives the transaction number directly from the site computer 104, not from the wireless telephone 103. Further, the wireless telephone 103 of Griffith is not capable of directly transmitting any information to transaction units 106-109, whether via a contactless device interface or otherwise. Rather, the wireless telephone 103 is only capable of transmitting information to the site computer 104.

Regarding item 2, Griffith does not teach transmitting by a payment terminal, via a second contactless device interface, a payment request including a payment terminal identification and a total transaction amount directly to a mobile device. In Griffith,

¹ See Griffith at Figure 1; and col. 3, lines 36-40.

² See *id.* at col. 3, lines 58 and 59.

transaction data including “an itemized list of items by price” is sent from the site computer 104 to the wireless telephone 103.³ However, this transaction data does not include any payment terminal identification, as recited in amended claim 1. Further, the transaction data in Griffith is sent from the site computer 104 to the wireless telephone 103, not from a payment terminal directly to a mobile device. Moreover, the transaction data described in Griffith is not directly transmitted via a contactless device interface, but indirectly through a wireless switching system 102, links 114, a public telephone network 111, and links 113.⁴

Regarding item 3, Griffith does not depict the “accepting” feature recited in amended claim 1. For example, Griffith does not depict accepting a payment transaction based on a payment request (which includes a total transaction amount), as recited in amended claim 1. Rather, in Griffith, the user of the wireless telephone 103 accepts a transaction by sending an acceptance to the site computer 104 not based on a payment request, but based on a comparison between the transaction number received by the wireless telephone 103 and the transaction number received by the associated transaction unit.⁵ Transaction data is then sent from the site computer 104 to the wireless telephone 103 after the acceptance is transferred to the site computer.⁶

Further, Griffith is completely silent as to the recited feature of “preparing a payment record in the mobile device, the payment record including a linking of the payment request to a customer identification of the customer.” The wireless telephone 103 depicted Griffith is not described to prepare such a payment record. Moreover, Griffith does not depict “transmitting the payment record from the mobile device via the first contactless device interface directly to the payment terminal.” The wireless telephone 103 does not prepare a payment record and does not transmit a payment record. Further, the wireless telephone 103

³ *Id.* at col. 4, lines 1-3.

⁴ See *id.* at Figure 1.

⁵ See *id.* at col. 3, lines 62-67.

⁶ See *id.* at col. 4, lines 1-3.

is incapable of directly transmitting information via a first contactless device interface to the transaction units 106-109, as discussed above.

Therefore, for at least the reasons discussed above and in the personal interview, Griffith fails to anticipate amended claim 1, and Applicants respectfully submit that amended claim 1 patentably defines over Griffith. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(e). Further, there is no suggestion in the prior art to modify the teachings of Griffith to arrive at the features of amended claim 1 and, therefore, it is respectfully submitted that the prior art also fails to render obvious the present invention. In addition, claims 2-5, 18, 19, and 22 depend from claim 1 and are patentable for at least the reasons discussed above.

Also, for at least the reasons discussed above with respect to amended claim 1, Applicants respectfully submit that amended independent claims 6, 11, and 15 patentably define over the art of record.

For example, amended claim 6 recites, among other features:

...the mobile devices and the payment terminals are configured to communicate directly with one another via the contactless device interfaces,
...each of the mobile devices includes a transaction response module configured to...transmit the transaction identification via a first contactless device interface directly to the payment terminal determined based on the payment terminal identification contained in the transaction identification,
each of the payment terminals includes a payment request module configured to...transmit a payment request, comprising...the payment terminal identification of the respective payment terminal, and the total transaction amount of the payment transaction...via a second contactless device interface directly to the mobile device from which the transaction identification was received, and
each of the mobile devices includes a payment record module configured to prepare a payment record comprising a payment request received by the mobile device from a payment terminal and a customer identification of the respective customer, and to transmit the prepared payment record via the first contactless device interface directly to the payment terminal from which the payment request was received.

Also, amended claim 11 recites, among other features:

- ...transmitting via contactless communication the transaction identification from the mobile device directly to the payment terminal based on the payment terminal identification;
- preparing a payment request in the payment terminal based on the transaction identification, the payment request including the payment terminal identification;
- transmitting via contactless communication the payment request from the payment terminal directly to the mobile device; and
- accepting the payment transaction by,
 - preparing a payment record in the mobile device based on the received payment request, and
 - transmitting via contactless communication the payment record from the mobile device directly to the payment terminal.

Further, amended claim 15 recites, among other features:

- ...a mobile device including...
 - first means...for transmitting the transaction information and a sender identification via the first interface based on the terminal identification, and
 - second means for preparing a payment record based on a received payment request; and
 - a terminal including,
 - a second interface configured to bidirectionally communicate with the first interface in a contactless and direct manner, and
 - third means for preparing a payment request including the terminal identification...and for transmitting the payment request directly to the first interface via the second interface.

Therefore, Applicants respectfully that amended independent claims 6, 11, and 15 patentably define over the art of record.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6, 11, and 15 under 35 U.S.C. § 102(e). Further, there is no suggestion in the prior art to modify the teachings of Griffith to arrive at the features of these claims and, therefore, it is respectfully submitted that the prior art also fails to render obvious the present invention. In addition, Applicants respectfully submit that the claims depending from independent claims 6, 11, and 15 are also patentable over the art of record for at least the reasons discussed above.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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